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5 Attorneys for Defendants Richard S. Fuld,
Jr., Christopher M. O'Meara, Joseph M.
6 Gregory, Ian Lowitt, David Goldfarb, John
F. Akers, Roger S. Berlind, Marsha Johnson
7 Evans, Roland A. Hernandez and Henry
Kaufman
8
9

10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 VALLEJO SANITATION AND FLOOD
15 CONTROL DISTRICT,

16 Plaintiff,

17 v.

18 RICHARD S. FULD, JR., CHRISTOPHER M.
O'MEARA, JOSEPH M. GREGORY, ERIN
19 CALLAN, IAN LOWITT, DAVID GOLDFARB,
JOHN F. AKERS, ROGER S. BERLIND,
20 MARSHA JOHNSON EVANS, ROLAND A.
HERNANDEZ, HENRY KAUFMAN, ERNST &
21 YOUNG LLP, and DOES 1 through 20,

22 Defendants.
23

Case No. C 09-2351 JSW

**STIPULATION AND [PROPOSED]
ORDER STAYING CASE PENDING
DETERMINATION BY THE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION TO
TRANSFER CASE PURSUANT TO 28
U.S.C. § 1407**

24 WHEREAS on or about May 15, 2009, Plaintiff Vallejo Sanitation and Flood
25 Control District ("Plaintiff") filed the Complaint in this case in the Superior Court of the State of
26 California, County of San Francisco;

27 WHEREAS on May 28, 2009, Defendants Richard S. Fuld, Jr., Christopher M.
28 O'Meara, Joseph M. Gregory, Ian Lowitt, David Goldfarb, John F. Akers, Roger S. Berlind,

1 Marsha Johnson Evans, Roland A. Hernandez and Henry Kaufman timely filed a Notice of
2 Removal in this Court; and Defendants Erin Callan and Ernst & Young LLP filed joinders to the
3 Notice of Removal on June 1, 2009;

4 WHEREAS cases sharing common questions of fact and law with this case have
5 previously been transferred from this District by the Judicial Panel on Multidistrict Litigation
6 (the “MDL Panel”) to the Honorable Lewis A. Kaplan of the United States District Court for the
7 Southern District of New York pursuant to 28 U.S.C. § 1407;

8 WHEREAS on May 29, 2009, certain Defendants filed a “tag-along” notice with
9 the MDL Panel to inform the MDL Panel that this action is related to other actions previously
10 transferred by the MDL Panel to the Southern District of New York;

11 WHEREAS previously removed related cases, Zenith Insurance Co. v. Fuld, et
12 al., Case No. C 08-5352-SC, San Mateo County Investment Pool v. Fuld, et al., Case No. C 08-
13 5353-SC, Lou Solton, Monterey County Treasurer, on behalf of the Monterey County
14 Investment Pool, v. Fuld, et al., Case No. C 08-5617 SC, and City of South San Francisco v.
15 Citigroup Global Markets Inc., et al., Case No. C 09-0501 SC, were stayed by the Honorable
16 Samuel Conti pending transfer of the actions by the MDL Panel to the Southern District of New
17 York;

18 WHEREAS in other previously removed related cases, City of Auburn v. Fuld, et
19 al., Case No. C 09-0875-VRW, City of Burbank v. Fuld, et al., Case No. C 09-0876-MEJ, City
20 of San Buenaventura v. Fuld, et al., Case No. C 09-0877-WHA, and City of Fremont v.
21 Citigroup, et al., Case No. C 09-0926-JCS, stipulations to stay pending transfer of the actions by
22 the MDL Panel to the Southern District of New York were so-ordered by the Court;

23 WHEREAS Plaintiff does not intend to oppose the MDL Panel’s transfer of this
24 action to the Southern District of New York;

25
26 NOW, THEREFORE, pursuant to Civ. L.R. 6-1(a), the undersigned parties
27 hereby stipulate that:
28

1 This case shall be stayed pending issuance of a transfer order by the MDL Panel;
2 and

3 Defendants' time within which to answer or otherwise respond to the Complaint
4 is extended to such time as ordered by Judge Kaplan in the Southern District of New York either
5 prior to or following transfer of this action, or if transfer is denied to 30 days following the order
6 denying transfer.

7
8 Dated: June 1, 2009

9 /s/ James G. Kreissman
10 JAMES G. KREISSMAN
SIMPSON THACHER & BARTLETT LLP

11 Attorneys for Defendants
12 RICHARD S. FULD, JR., CHRISTOPHER M. O'MEARA,
13 JOSEPH M. GREGORY, IAN LOWITT, DAVID
14 GOLDFARB, JOHN F. AKERS, ROGER S. BERLIND,
MARSHA JOHNSON EVANS, ROLAND A.
HERNANDEZ AND HENRY KAUFMAN

15 /s/ Mark C. Molumphy
16 MARK C. MOLUMPHY
COTCHETT, PITRE & MCCARTHY

17 Attorneys for Plaintiff
18 VALLEJO SANITATION AND FLOOD CONTROL
19 DISTRICT

20 /s/ Jamie L. Wine
21 JAMIE L. WINE
LATHAM & WATKINS LLP

22 Attorneys for Defendant
23 ERNST & YOUNG LLP

24 /s/ Joshua Judah Pollack
25 JOSHUA JUDAH POLLACK
26 PROSKAUER ROSE LLP

27 Attorneys for Defendant
28 ERIN CALLAN

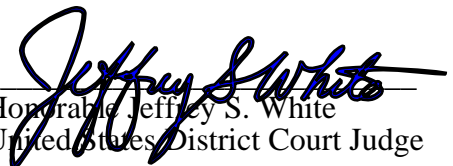
ATTESTATION PURSUANT TO GENERAL ORDER 45, § X

I, James G. Kreissman, attest pursuant to General Order 45, § X, that concurrence in the filing of this Stipulation has been obtained from each of the other signatories above.

/s/ James G. Kreissman
JAMES G. KREISSMAN

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: June 2, 2009


Honorable Jeffrey S. White
United States District Court Judge